IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1572 OF 2005

M/s. Star India Pvt. Ltd. & Ors ...Applicants

Versus

The State of Maharashtra & Ors ...Respondents

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Mr. S.L. Maneshinde, Advocate for Applicants.

Mr. S.P. Kanuga, Adv. for respondent No.2.

Mr. Rajesh More, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 13TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants i.e. original accused, the learned advocate for the respondent No. 2 i.e. original complainant and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of process issued against them in Criminal Case No. 62/SW of 2005 which is pending in the Court of learned Additional C.M.M., 10th Court, Andheri, Mumbai. In the said case, process has been issued against the applicants under Sections 406, 420, and 477(A) of I.P.C.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that some of the directors have left the company and they would have to be contacted which would take time. Hence, he states that the necessary revision would be preferred by 20.12.2005. Mr. Kanuga, the learned advocate for the respondent No.2 i.e. original complainant states that they will not proceed with the trial till then. In view of this statement, interim relief granted by this Court is continued till 20.12.2005. The learned advocate for the respondent 2 i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision if the revision is filed by 20.12.2005, before the learned Sessions Judge.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

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